

Exhibit 23

Defendants Johnson & Johnson; Johnson & Johnson
Consumer Inc.; Johnson & Johnson International:

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF ALAMEDA
3 BEFORE JUDGE JEFFREY BRAND
4 DEPARTMENT 22
5 VIA ZOOM CONFERENCE
6 ---o0o---

8 NEDELKA VANKLIVE,
9 Plaintiff,

10 vs. No. RG20062734
11 JOHNSON & JOHNSON, et al.,
12 Defendants.
13 _____/

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS
16 (Trial - Case Management Conference)

17 October 22, 2021
18 AFTERNOON SESSION

20 Taken before Kimberly R. Hendershott, RPR, CRR
21 CSR No. 12552

24 VOLUME 23

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1 cancer and cosmetic talc did not occur until the Cramer
 2 article in the 1980s is inaccurate. And I'll turn the
 3 floor to Denyse for the legal basis.
 4 THE COURT: Ms. Clancy.
 08:26:56 5 MS. CLANCY: Yes. Thank you, Your Honor.
 6 So we object to the motion for mistrial. The
 7 first bases for the motion for mistrial was that there
 8 was evidence adduced as to codefendant, JJCI. The fact
 9 that there's evidence adduced that they're codefendants
 08:27:08 10 certainly is not -- by J&J's own making is now no
 11 longer party to this case, or the case has been stayed
 12 against them is not reason for a mistrial. As this
 13 Court has seen, it is not -- it is routine that
 14 evidence is adduced as to each defendant in the case.
 08:27:25 15 Plaintiffs entered without objection evidence
 16 as to JJCI. The fact that Johnson & Johnson has now
 17 elected to put JJCI subject to a bankruptcy stay is of
 18 their own making, and plaintiffs should not be punished
 19 for that.
 08:27:40 20 For the second point, J&J again has attempted
 21 to create an artificial deadline for when J&J's, quote,
 22 liability cuts off at 1979, and this is absolutely
 23 false. As the Court saw from reading the hearing
 24 transcript on Friday, October 22nd, before the
 08:28:00 25 bankruptcy court judge, Johnson & Johnson's own

1 ovarian cancer evidence was in existence and Johnson &
 2 Johnson was on notice of it in the 1970s, including,
 3 for example, through the Tenovus proceedings. If you
 4 recall that that was where talc and asbestos were
 08:29:38 5 documented in the tumor of women. And in the early
 6 1970s, Johnson & Johnson became aware, through the
 7 Tenovus research, that this was a problem. And Johnson
 8 & Johnson, as the person responsible for all health and
 9 safety decisions with respect to talc and asbestos
 10 through present day, is similarly responsible for all
 11 of the increasingly urgent signs that talc -- asbestos
 12 in talc causes ovarian cancer through the present day.
 13 So for those reasons, we object to the motion
 14 for a mistrial.
 08:30:13 15 THE COURT: Mr. Quattlebaum, do you want a
 16 brief response?
 17 MR. QUATTLEBAUM: Just briefly, Your Honor.
 18 I don't believe that this Court would find
 19 that the Tenovus evidence is sufficient to support a
 08:30:24 20 claim against Johnson & Johnson for ovarian cancer or a
 21 claim that Johnson & Johnson should have known and
 22 warned prior to 1982 that Johnson's Baby Powder -- they
 23 should have provided some warning about Johnson's Baby
 24 Powder regarding ovarian cancer.
 08:30:43 25 I think the Court is well-aware of the

1 corporate representative, Mr. Hopkins, admitted
 2 unequivocally that Johnson & Johnson itself, the mother
 3 ship, the parent company remains responsible to this
 4 day for all health and safety decisions with respect to
 08:28:17 5 Johnson's Baby Powder. And Johnson & Johnson owned all
 6 the intellectual property with respect to Johnson's
 7 Baby Powder.
 8 As the Court could see from the hearing on
 9 Friday, Johnson & Johnson itself, including its CEO
 08:28:34 10 Mr. Gorsky was the lead spokesperson setting forth the
 11 fact that the -- up to present day, and telling the
 12 public that Johnson & Johnson's Baby Powder is safe and
 13 does not contain detectable levels -- excuse me, he
 14 says contains no asbestos.
 08:28:52 15 As the bankruptcy court found, Johnson &
 16 Johnson has independent -- there's evidence that
 17 Johnson & Johnson itself, the mother ship, has
 18 independent liability, and the attempt to say that this
 19 was cut off in 1979 is absolutely defeated by the
 08:29:07 20 evidence that will come in in this case, including
 21 through Johnson & Johnson's own corporate
 22 representatives, tying Johnson & Johnson to its own
 23 conduct with respect to Johnson & Johnson's baby powder
 24 post 1979.
 08:29:22 25 So on that basis, also, we object. The

1 evidence. I don't need to go into a full explanation
 2 of it I don't think to preserve the record. I would
 3 just state that I don't believe the Tenovus evidence is
 4 sufficient to support a claim. And because it's not
 08:30:58 5 sufficient to support a claim, then we fall to 1982
 6 for -- what the Cramer article, which postdates the
 7 Johnson & Johnson supply of baby powder to the
 8 marketplace.
 9 THE COURT: Okay. The Court is going to deny
 08:31:10 10 the motion for mistrial. The -- with respect to the
 11 facts and the cutoff date, right now, plaintiff is in
 12 the middle of their case in chief. The Court has not
 13 heard all of the evidence. The Court suspects that
 14 this is not the last time that it will hear from
 08:31:36 15 defendants regarding this argument should the Western
 16 District of North Carolina continue its current
 17 position of not extending a stay to Johnson & Johnson.
 18 And perhaps there will be a change with regard to JJCI.
 19 It's just too early to predict what is going happen.
 08:32:02 20 One thing that's clear from the transcript is
 21 that there's a judge there who is working very hard on
 22 this, is concerned about time pressures, and is giving
 23 it a lot of thought, which I think should be a comfort
 24 to all parties. It's a comfort to this Court.
 08:32:20 25 So with that, hopefully we're just about ready